



## Recommendation for Action

**File #:** 19-3675, **Agenda Item #:** 76.

12/5/2019

### Posting Language

Approve a resolution authorizing the filing of eminent domain proceedings for the acquisition of a permanent drainage easement consisting of an approximately 0.135 of an acre (5,880 square feet) of land situated in the Isaac Decker League Survey No. 20, in the City of Austin, Travis County, Texas, being out of the South half of Lot 16, Block 2, Fredericksburg Road Acres Subdivision, a Subdivision of record in Volume 3, Page 168, of the Plat Records of Travis County Texas, said South half Lot 16, Block 2, Fredericksburg Road Acres Subdivision being fully described in the Declaration of Condominium Regime for 2304 Thornton Road Condominium Owners Association, Inc. Recorded in Document Number 2016035003 of the Official Public Records of Travis County Texas, in the amount of \$167,580, for the public use of a storm drain infrastructure project to reduce flood risk. The owners of the needed property are Eric Malsam, Ellen Piepho, Nancy J. Duncan and 2304 Thornton Road Condominium Owners Association, Inc. The property is located entirely within District 5, at 2304 Thornton Road, Austin, Texas 78704. The general route of the project is in south central Austin in the South Lamar neighborhood and its area is bounded by Bluebonnet Lane, Del Curto Road, Delcrest Drive, Kinney Road and Thornton Road with offshoots along Southland Drive and Iva Lane.

### Lead Department

Office of Real Estate Services.

### Fiscal Note

Funding in the amount of \$167,580 is available in the FY2019-2020 Capital Budget of the Watershed Protection Department.

### For More Information:

Erik Kunkel, Public Works Department, (512) 974-7027; Reem Zoun, P.E., Watershed Protection Department, (512) 974 3354; Alex Gale, Office of Real Estate Services, (512) 974-1416; Megan Herron, Office of Real Estate Services, (512) 974-5649..

### Additional Backup Information:

The Watershed Protection Department (WPD) has identified flood risks due to inadequate storm drain infrastructure in parts of the West Bouldin Creek Watershed that fall within or near the South Lamar Neighborhood. WPD is proposing a storm drain infrastructure project to reduce the risk of flooding to buildings and roadways.

The project is bounded by Bluebonnet Lane, Del Curto Road, Delcrest Drive, Kinney Road and Thornton Road with offshoots along Southland Drive and Iva Lane. The project will include the installation of storm drain pipes, inlets, and curb and gutter. The subdivisions within the project area were constructed in the 1950s and have limited storm drain infrastructure. This project requires acquisition of multiple drainage, temporary, slope, and utility easements. The easements that are part of this request represent only a portion of the required easements for the project.

The City of Austin has attempted to purchase the needed property at 2304 Thornton Road. Negotiations have come to an impasse and the property owners have become unresponsive. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.

